UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/513,937	02/28/2000	Scott Sarnikowski	100.112US02	9449

7590	11/05/2003

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EXAMINER
JONES, PRENELL P

ART UNIT	PAPER NUMBER
2667	

DATE MAILED: 11/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.		Applicant(s)
Office Action Summary	09/513,937		SARNIKOWSKI ET AL.
	Examiner		**Art Unit**
	Prenell P Jones		2667

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on <u>28 February 2000</u> .

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-21</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) <u>17-21</u> is/are allowed.

6)☐ Claim(s) <u>1-16</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>6</u> .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out
and distinctly claiming the subject matter which the applicant regards as his
invention.

Claim 14 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite

for failing to particularly point out and distinctly claim the subject matter which applicant

regards as the invention. Applicant is claiming "interface that is *coupleable* to

communicate" which unclear to Examiner as to exactly what Applicant is claiming.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed
or described as set forth in section 102 of this title, if the differences between the
subject matter sought to be patented and the prior art are such that the subject
matter as a whole would have been obvious at the time the invention was made
to a person having ordinary skill in the art to which said subject matter pertains.
Patentability shall not be negatived by the manner in which the invention was
made.

This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

Claim 1-3, 11-13, 15 and 16 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Mohaban et al in view of Vaid et al.

Regarding claims 1-3, 11-13, 15 and 16, Mohaban discloses (Figs. 2, 3, 5b, 6a, 6b, 7b,

8a, 9) col. 2, line 38 thru col. 3, line 61) policy based management wherein the

architecture includes allocation of network resources (bandwidth), plurality ISPs (service

delivery), (col. 8, line 61 thru col. 9, line 67) a computer network that consist of a

plurality of LANs interconnected by a plurality of network devices, plurality end-stations,

policy server, program instructions/policy stored on a computer readable medium

associated with the server, network interface cards (NIC) establishing physical ports,

(col. 10, line 26-37, col. 11, line 14-43, col. 31,line 32-67) ISP provides communication

services (service delivery) which is associated and coupled with a policy-based

management which in turn is associated with managing traffic flow, (col. 5, line 45 thru

col. 6, line 65) policy service mapping, (col. 31, line 32-67) multiple ISPs located in

different locations providing communication services via world wide network/WAN.

Mohaban is silent on ISP allocating bandwidth to users based on policies stored in the

policy server. In analogous art, Vaid discloses (Figs. 4-7 & 16-18, col. 11, line 56 thru

col. 12, line 10, col. 14, line 33 thru col. 15, line 67) internet service provider (ISP)

(service delivery) associated with servers for the purpose of implementing traffic

policies, ISP provides services (allocate bandwidth) by Internet link and (col. 13, line 1-7) Internet is used to allocate bandwidth, plurality LANs/WAN, (col. 17, line 66 thru col. 18, line 15, Fig. 9A) plurality user interfaces, (col. 22, line 50 thru col. 25, line 21) distributed bandwidth management associated with policy based approach, (col. 25, line 1-21, col. 28, line 8 thru col. 30, line 54) policy servers allocating bandwidth for user maximum use against competing traffic associated with user requirements, Internet service provider is communicated by policy server which communicates bandwidth requirement, (Fig. 16, col. 24, line 3-46) router coupled between data port of ISP and LANs (col. 7, line 7-50) ISP is connected to Ethernet based LANs, (col. 9, line 16-63, Fig. 2) network interface, and it is inherent that a delivery unit consist of a data port for communicating data. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have been motivated to implement a service provider allocating bandwidth to users based on policies stored on policy server as taught by Vaid with the teachings of Mohaban for the purpose of meeting individual users needs/requirements without monopolizing bandwidth.

Claims 4-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mohaban et al in view of Vaid et al as applied to claim 1 above, and further in view of Ball et al.

Regarding claims 4-6, Mohaban discloses (Figs. 2, 3, 5b, 6a, 6b, 7b, 8a, 9) col. 2, line 38 thru col. 3, line 61) policy based management wherein the architecture includes

allocation of network resources (bandwidth), plurality ISPs (service delivery), (col. 8, line 61 thru col. 9, line 67) a computer network that consist of a plurality of LANs interconnected by a plurality of network devices, plurality end-stations, policy server, program instructions/policy stored on a computer readable medium associated with the server, network interface cards (NIC) establishing physical ports, (col. 10, line 26-37, col. 11, line 14-43, col. 31,line 32-67) ISP provides communication services (service delivery) which is associated and coupled with a policy-based management which in turn is associated with managing traffic flow,(col. 31, line 32-67) multiple ISPs located in different locations providing communication services via world wide network/WAN, Vaid discloses (Figs. 4-7 & 16-18, col. 11, line 56 thru col. 12, line 10, col. 14, line 33 thru col. 15, line 67) internet service provider (ISP) (service delivery) associated with servers for the purpose of implementing traffic policies, ISP provides services (allocate bandwidth) by Internet link and (col. 13, line 1-7) Internet is used to allocate bandwidth, plurality LANs/WAN, (col. 17, line 66 thru col. 18, line 15, Fig. 9A) plurality user interfaces, (col. 22, line 50 thru col. 25, line 21) distributed bandwidth management associated with policy based approach, (col. 25, line 1-21, col. 28, line 8 thru col. 30, line 54) policy servers allocating bandwidth for user maximum use against competing traffic associated with user requirements, Internet service provider is communicated by policy server which communicates bandwidth requirement, (Fig. 16, col. 24, line 3-46) router coupled between data port of ISP and LANs (col. 7, line 7-50) ISP is connected to Ethernet based LANs, (col. 9, line 16-63, Fig. 2) network interface, and it is inherent that a delivery unit consist of a data port for communicating data. Mohaban and Vaid are

silent on service delivery that includes a cache that store policies. In analogous art, Ball discloses (Abstract, Figs. 1, 3, 4, 14, 29b, 30, 31, col. 3, line 55 thru col. 4, line 8, col. 5, line 26 thru col. 6, line 25, col. 32, line 36 thru col. 33, line 63) a service management system wherein the communication architecture includes an enterprise system which includes (Fig. 3) two policy serveres, multiple Internet Service Provider (ISP) (service delivery unit) coupled to a policy server, (col. 5, line 67 thru col. 6, line 25, col. 7, line 36-59) ISP cache, two policy servers associated with enterprise network communicating via a virtual private network (VPN). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have been motivated to implement storing policies in a cache as taught by Ball with the combined teachings of Mohaban and Vaid for the purpose of minimizing the need to look up an address for a requested site on the Internet as associated with service management and storing policies for traffic policy-based management.

Regarding claim 7, as indicated above, Ball discloses (Abstract, Figs. 1, 3, 4, 14, 29b, 30, 31, col. 3, line 55 thru col. 4, line 8, col. 5, line 26 thru col. 6, line 25, col. 32, line 36 thru col. 33, line 63) a service management system wherein the communication architecture includes an enterprise system which includes (Fig. 3) two policy servers, multiple Internet Service Provider (ISP) (service delivery unit) coupled to a policy server, (col. 5, line 67 thru col. 6, line 25, col. 7, line 36-59) ISP cache, two policy servers associated with enterprise network communicating via a virtual private network (VPN), and (col. 12, line 43-55, col. 29, line 24-50) VPN consist of security attributes.

Regarding claims 8-10, as indicated above, Vaid discloses (Figs. 4-7 & 16-18, col. 11, line 56 thru col. 12, line 10, col. 14, line 33 thru col. 15, line 67) internet service provider (ISP) (service delivery) associated with servers for the purpose of implementing traffic policies, ISP provides services (allocate bandwidth) by Internet link and (col. 13, line 1-7) Internet is used to allocate bandwidth, plurality LANs/WAN, (col. 17, line 66 thru col. 18, line 15, Fig. 9A) plurality user interfaces, (col. 22, line 50 thru col. 25, line 21) distributed bandwidth management associated with policy based approach, (col. 25, line 1-21, col. 28, line 8 thru col. 30, line 54) policy servers allocating bandwidth for user maximum use against competing traffic associated with user requirements, Internet service provider is communicated by policy server which communicates bandwidth requirement, (Fig. 16, col. 24, line 3-46) router coupled between data port of ISP and LANs (col. 7, line 7-50) ISP is connected to Ethernet based LANs, (col. 9, line 16-63, Fig. 2) network interface, and it is inherent that a delivery unit consist of a data port for communicating data. Vaid further discloses (col. 15, line 8 thru col. 16, line 67) traffic polices that include specific requirements such as bandwidth limitations, setting priorities, and ISP with routing features.

Allowable Subject Matter

Claims 17-21 are allowed over prior art.

The following is a statement of reasons for the indication of allowable subject matter: Although the cited art, Mohaban et al, Vaid et al, Ball et al, teaches policy

based management wherein the architecture includes allocation of network resources

(bandwidth), plurality ISPs (service delivery), a computer network that consist of a

plurality of LANs interconnected by a plurality of network devices, plurality end-stations,

policy server, program instructions/policy stored on a computer readable medium

associated with the server, network interface cards, establishing physical ports, ISP

provides communication services (service delivery) which is associated and coupled

with a policy-based management which in turn is associated with managing traffic flow,

multiple ISPs located in different locations providing communication services via world

wide network/WAN, ISP associated with servers for the purpose of implementing traffic

policies, ISP provides services (allocate bandwidth) by Internet link, policy servers

allocating bandwidth for user maximum use against competing Traffic associated with

user requirements, Internet service provider is communicated by policy server which

communicates bandwidth requirement, router coupled between data port of ISP and

LANs connected to Ethernet based LANs, network interface, and it is inherent that a

delivery unit consist of a data port for communicating data, ISP cache, two policy

servers associated with enterprise network communicating via a virtual private network

(VPN) they fail to teach classifying the request and identifying global policies that relate

to request.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Prenell Jones whose telephone number is 703-305-
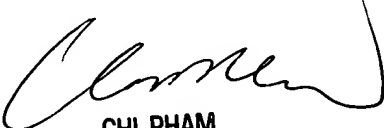
0630. The examiner can normally be reached on Monday thru Friday from 9:00-5:30

pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Chi Pham can be reached on 703-305-4378. The fax phone numbers for

the organization where this application or proceeding is assigned are 703-872-9314 for

regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is 703-305-

3900.

Prenell Jones

October 28, 2003

CHI PHAM

SUPERVISORY PATENT EXAMINER

TECHNOLOGY CENTER 2600